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Republic of the Philippines
City of Iloilo
OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE 22ND REGULAR SESSION OF THE 8TH SANGGUNIANG PANLUNGSOD OF THE CITY OF ILOILO, PHILIPPINES, HELD AT THE SESSION HALL, 6TH FLOOR CITY HALL BUILDING, PLAZA LIBERTAD, ILOILO CITY, ON MONDAY, JUNE 11, 2018.

PRESENT:

HON. CANDICE MAGDALANE A. TUPAS
Acting Presiding Officer

Hon. Lyndon V. Acap	Member
Hon. Joshua C. Alim	Member
Hon. Lady Julie Grace L. Baronda	Member
Hon. Ely A. Estante, Jr.	Member
Hon. R Leone N. Gerochi, Asst. Floor Leader	Member
Hon. Reyland V. Hervias, Liga ng mga Barangay President Ex Officio	Member
Hon. Mandrie T. Malabor	Member
Hon. Armand S. Parcon	Member
Hon. Eduardo L. Peñaredondo, Floor Leader	Member
Hon. Liezl Joy Z. Salazar	Member
Hon. Jose Efrain G. Treñas III	Member

ABSENT:

Hon. Jeffrey P. Ganzon (Acting City Mayor)	City Vice Mayor and Presiding Officer
Hon. Plaridel C. Nava II (Official Travel)	Member

REGULATION ORDINANCE NO. 2018-090
AN ORDINANCE DECLARING UNLAWFUL ACTS AND CONDUCT OF DISCRIMINATION BASED ON SEX, GENDER IDENTITY, SEXUAL ORIENTATION, RACE, COLOR, DESCENT, NATIONAL OR ETHNIC ORIGIN, AND RELIGIOUS AFFILIATION OR BELIEFS, AND PENALIZING THE SAME

Sponsored by Hon. Liezl Joy Z. Salazar, III, Co-author, Hon. Lady Julie Grace L. Baronda, and unanimously seconded by All Council Members present;

WHEREAS, Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, color, sex, or ethnic origin;

WHEREAS, 1987 Philippine Constitution states, particularly:

- Article II, Section 10 thereof, which reads:
Section 10. The state shall promote social justice in all phases of national development.
- Article II, Section 11 thereof, which reads:
Section 11. The state values the dignity of every human person and guarantees full respect for human rights.
- Article II, Section 22 thereof, which reads:
Section 22. The state recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.




- Article III, Section 1 thereof, which reads:
Section 1. No person shall be deprived of life liberty and property without due process of law, nor shall any person be denied the equal protection of the laws.

- Article XIII, Section 3 thereof, which in part reads:
Section 3. The state shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and full equality of employment opportunities for all.

WHEREAS, there is a need for the Iloilo City Government and the Ilonggos to recognize the different aspects and contexts in which discrimination may operate in work, education, provision of goods and services, living accommodations, and such;

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of Iloilo City in session assembled that:

SECTION I. Short Title – This ordinance shall be known as “Anti-Discrimination Ordinance of Iloilo City.”

SECTION II. Definition of Terms – As used in this ordinance, the following terms shall mean:

1. **Discrimination** – any act or conduct which withholds, excludes, restricts, curtails, demeans human dignity, or otherwise impairs the recognition, enjoyment and exercise of human rights and basic freedoms in the economic, labor, social, cultural, educational or any other field of public life based on sex, gender identity, sexual orientation, race, color, descent, national or ethnic origin, religious affiliation or beliefs.

2. **Gender Identity** – refers to one’s psychological self-identification as male or female (APA, 2015). Refers to a person having the emotional and psychological characteristics of the opposite sex as shown by, among others, his/her behavior and sexual attraction to members of his/her own sex, or to both sexes, whether he/she be lesbian, gay, bisexual or transsexual.

3. **Sexual Orientation** – refers to the emotional or sexual attraction or inclination of a person towards persons of his/her own sex, or both masculine and feminine sexes, whether he/she be lesbian, gay, bisexual or transsexual.

4. **Religious Affiliation** – refers to the self-identified association of a person with a religion, denomination or sub-denomination religious groups.

5. **Ethnic Origin** – means an individual belongs to an ethnic group, either because that is his background (ancestry lineage), or because he identifies with it (identity).

6. **Race** – refers to groups of people who have differences and similarities in biological traits deemed by society to be socially significant.

7. **Sex** – chiefly with reference to people, either of the two main categories, male and female, into which humans many other living things are divided on the basis of their reproductive functions.

8. **Gender Expression** – refers to an individual’s presentation – including physical appearance, clothing choice, and accessories – and behavior that communicates aspects of gender or gender role. Gender expression may or may not conform to a person’s gender identity.

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SECTION III. Act of Discrimination, How it is Committed – Discrimination is committed when a person withholds from, excludes, restricts, curtails, demeans human dignity or otherwise impairs the recognition, enjoyment and/or exercise of a right or basic freedom of another, to which others similarly situated or circumstanced are extended or which they are allowed to enjoy or exercise, in employment, education, shelter and delivery of basic goods and services, on the basis of sex, gender identity, sexual orientation, race, color, descent, national or ethnic origin, religious affiliation or beliefs, and that the following constitute acts of discrimination, and are therefore punishable:

1. By refusing employment to a job applicant or imposing onerous or additional terms or conditions which are not imposed on another similarly situated or circumstanced, on the basis of sex, gender identity, sexual orientation, race, color of skin, descent, national or ethnic origin, religious affiliation or beliefs;
2. By refusing or failing to accept any person for admission as a student in any public or private educational and/or vocational institution, or by subjecting said student to terms and conditions such as suspension or expulsion in the said institution which are not imposed on applicants or students similarly circumstanced as him, or limiting the access of a student to any benefit or privilege provided by said educational or vocational institution, by reason of sex, gender identity, sexual orientation, race, color of skin, descent, national or ethnic origin, religious affiliation or beliefs, otherwise expressly stated in the school policy and guidelines;
3. By refusing to provide goods or services and/or imposing onerous terms or conditions as requisites for providing goods or services to a person which are not refused or subjected to such onerous terms or conditions when extended to others similarly circumstanced, by reason of sex, gender identity, sexual orientation, race, color of skin, descent, national or ethnic origin, religious affiliation or beliefs;
4. By refusing or failing to allow any person, by reason of sex, gender identity, sexual orientation, race, color of skin, descent, national or ethnic origin, religious affiliation or beliefs to avail of quarters or accommodation in a house, apartment, condominium, townhouse, flat, hotel, inn, dormitory or any other places of dwelling being rented out or offered to the public for free, rental or other forms of compensation;
5. By subjecting either by verbal or written word or publication, to ridicule or insult or attribute despicable behavior and habits or associating with violence and criminal activities, any person or group of persons by reason of sex, gender identity, sexual orientation, race, color of skin, descent, national or ethnic origin, religious affiliation or beliefs;
6. By refusing entry into restaurants, bars, stores, movie houses, malls and other places of entertainment and businesses which are open to the general public, or refusing or failing to attend to or serve the orders for food, drinks, beverages and other goods, consumable or non-consumable, or excluding or limiting the access to any facility provided by such establishment, to any person, by reason of sex, gender identity, sexual orientation, race, color, descent, national or ethnic origin, religious affiliation or beliefs;
7. By doing any other analogous act which demeans the dignity and self-respect of a person or impairs, mars, reduces or nullifies the recognition, enjoyment or exercise of his human and legal rights and basic freedoms in the political, labor, economic, social, cultural and educational spheres on the basis of sex, gender identity, sexual orientation, race, color of skin, descent, national or ethnic origin, religious affiliation or beliefs.

Entity

[Signature]

SECTION IV. Persons Liable – Any person, natural or juridical, who commits any of the acts herein prohibited and enumerated in the immediately preceding section shall be criminally liable therefore, and penalized accordingly, provided that in the case of a juridical person such as, but not limited to, corporations, associations, partnerships, educational and vocational institutions, whether public or private, the manager, head and officers thereof shall also be criminally accountable and responsible.

SECTION V. Penalties – Except for violations of the Labor Code of the Philippines involving the rights of women workers and employees which shall be punishable under the said Code, and for violations under the Republic Act 7610, otherwise known as “Special Protection of Children against Abuse, Exploitation and Discrimination Act,” involving rights of children of Indigenous Communities which are punishable under the said act, the following penalties for violations of any provisions of this Ordinance are hereby imposed as follows:

1. Any person liable under the Ordinance shall be punished by admonition and a fine of One Thousand Pesos (P1, 000.00), on first offense;
2. A second offense, for any of the acts punishable under this ordinance, shall be penalized by a fine of Two Thousand Pesos (P2, 000.00) and imprisonment for a period of not more than ten (10) days at the discretion of the court;
3. A third offense shall be penalized by a fine of Five Thousand Pesos (P5, 000.00) and imprisonment of fifteen (15) days.

SECTION VI. An Anti-Discrimination Board will be created and shall be selected by the Chief Executive.

- Chairman - City Mayor
- Vice-Chairman - SP Committee on Women and Family Relation
- Members:

1. Task Force on Moral Values
2. Women and Children Protection Desk (WCPD)
3. City Population Officer
4. Two (2) representative from the LGBT groups
5. Two (2) representative from religious groups

The Board will be the one to initiate filing of cases in violation of this ordinance.

SECTION VII. Exhaustion of Administrative Remedy – Unless the Anti-Discrimination Mediation and Conciliation Board Certifies in writing that a complaint for violation of any of the provisions of this ordinance has been brought to its jurisdiction for mediation and conciliation purposes and that the same failed despite all diligent efforts, NO complaint or action of whatever kind – civil, criminal, labor or administrative – shall be deemed actionable and proper for juridical, quasi-judicial, prosecutorial or administrative determination, except when the matter involves the rights of women workers and employee contained in the Labor Code of the Philippines, in which case the provisions of the said Code shall apply, or unless the case falls within the coverage of Republic Act 7610, otherwise known as “Special Protection of Children Against Abuse, Exploitation and Discrimination Act,” particularly those involving the rights of Children of Indigenous Cultural Communities, in which case, said Republic Act shall apply.

SECTION VIII. Implementing Rules and Regulations – Within sixty (60) days from the approval of this Ordinance, the Iloilo City Legal Office shall promulgate the Implementing

Rules and Regulations, which shall govern the Mediation and Conciliation proceedings from filing of the complaint up to the issuance of the certificate mentioned in the immediately preceding section which implementing Rules and Regulations shall be submitted to the Sangguniang Panlungsod for approval.

SECTION IX. Information Campaign – Within thirty (30) days from approval of this Ordinance, the Iloilo City Information Office shall conduct an information campaign to apprise the public of the provisions of this ordinance.

SECTION X. Budget. A budget shall be appropriated for the implementation of this ordinance to be included in the City Annual Budget.

SECTION XI. Separability Clause – If any portion or provision of this Ordinance is declared void or unconstitutional, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect.

SECTION XII. Effectivity Clause – This Ordinance shall take effect ten (10) days after its publication in a local newspaper of general circulation in the city and its posting in the Bulletin Board at the entrance of the Iloilo City Hall Building and in two (2) other conspicuous places in the city, whichever comes later, either the publication or the posting.

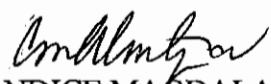
ENACTED, June 11, 2018.

I hereby certify to the correctness of the above quoted-ordinance.


IN THE ABSENCE OF THE
S.P. SECRETARY


MA. TERESA B. BENAJE
Board Secretary II

ATTESTED AND CERTIFIED
TO BE DULY ENACTED:


CANDICE MAGDALANE A. TUPAS
Acting City Vice Mayor and Acting Presiding Officer

APPROVED:


JOSE S. ESPINOSA, III
City Mayor
6/11/18